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ABSTRACT

Although technology has created endless benefits for society, these benefits are accompanied by increased responsibilities and dangers. On-line research and the internet have completely altered the surface of forensics. Advantages of using the internet are the access to a wealth of information, which could constitute an equalizer for smaller educational institutions seeking to compete with larger ones, and the expediency of the information gathering. The computerized nature of the research also saves time for students by offering immediate access to information and printing copies. One concern is that many institutions have still not gained access to computers, much less become linked to the world wide web. Some of those institutions who do have access are unable to do so without charging the students for their usage. Other concerns are that use of computerized research could decrease the educational value of debate through a decrease in analysis and that some sources of information on the internet are unqualified and constantly changing. The majority of the communication which occurs on the internet is unofficial. For those who would like to limit the use of the internet as much as possible, it is highly unlikely that any real alteration in procedures will happen. (CR)

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Instant Access in Forensics: Issues Created by the Internet and Electronic Information Systems in Forensic Competition

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Introduction

Although technology has created seemingly endless benefits to society, it is important to remember that these advances are almost always accompanied by increased responsibilities and dangers. Because technology increases the scope of human possibility, it also increases the scope of the possibility to do harm. Unfortunately, legislation and regulation always seem to be two steps behind technology.

This trend extends into all levels of society. From automobile manufacturing to genetic cloning, we have all been affected in arguably positive and negative ways by these wonders of modern science. In these times of rapid advancement, we must also accept rapid obsolescence. In the face of such a powerful wave of change, it was unlikely that forensics would be able to remain static with regard to its stance toward the use of technology.

New information-gathering technologies and services have completely altered the surface of forensics. Although these concerns have been limited largely to debate and extemporaneous speaking, it is not inconceivable to argue that all forensic events are being influenced by the on-line research and the internet. If the impact of the internet were limited to only one or two events, the following discussion (as well as the discussions that I hope follow) would be of only limited use and importance to the forensics community. The implications to debate and extemporaneous address are obvious: computerized information gathering allows competitors to constantly upgrade the quantity and quality of their resources. But the internet has also become a valuable research tool for those speakers competing in public address. Further, even oral interpretation events are not excluded from the impact of the internet - thousands of works of literature can be found on the world wide web. Further, thousands more can be found only on the net, presenting interesting questions of literary merit.

Clearly, the impact of the internet on the forensics community creates an imperative for a discussion concerning its use in the competitive setting. I shall first discuss the advantages of electronic information gathering. I shall then present several concerns that must be addressed in order to ensure that the forensics playing field remains level. Finally, I shall propose a few solutions to alleviate these concerns in order to justify and regulate the continued use of these new technologies in forensics.

Advantages

It is not surprising that the internet and other computerized information resources became such a fast favorite with the forensics community. The benefits and concerns of services such as Lexis-Nexis have been well-documented and discussed (Jensen 1995; Cue 1989; Falk 1995/96). This discussion will also include the resources which have become available through the internet. Sources such as on-line magazines, search engines, press releases and electronic mail. In examining the implications of the internet in forensics, I see three areas of advantage.

First, the internet allows **access** to an absolutely gigantic wealth of information. The advantages of such a wide scope of research is obvious: as complete as any university library might be, the internet will almost surely offer more. In fact, it could be argued that the widespread use of the internet would constitute an equalizing factor in forensics. At North Dakota State University, for example, the library has the market cornered on agricultural and scientific information. But each debate season sees the NDSU debate team making a road trip to the University of North Dakota to use that institutions law library. Likewise, the internet could allow smaller institutions to compete with larger ones. Many of the institutions in Western North Dakota are forced to get by with bare bones library facilities. Simply by supporting a few internet connections and a printer, these

schools find themselves with nearly the same information-gathering capabilities as the schools in larger cities. Also, with the exception of pay services, the access allowed is universal; a student in Michigan has the same opportunities as a student in New Mexico.

The second main advantage to the use of the internet is the **expediency** of the information gathering. There are two levels of this benefit. On one front, information on the web is updated daily and, in some cases, hourly. For example, The Nando Times, a free on-line newspaper, provides their reports with not only a date, but also a time. As always, the benefit to debate and extemp is clear: up-to-the-minute information can increase a speaker's credibility as well as defeat an opposing viewpoint simply by post-dating it. On another level, the internet's resources are available at any time. Whenever the student wishes to perform research, all that is necessary is a link to the web. This provides a tremendous advantage over the use of libraries that might have unusual hours, difficult and restrictive checkout procedures and expensive photocopying charges.

Finally, the **computerized** nature of the research aids the students by taking a step out of an already time-consuming process. Instead of using walking to the periodical guide, finding the correct heading, writing down all the sources, then walking through the shelves to find all the bound magazines that you want, then leafing through and photocopying the correct articles - you can point and click. The long drawn-out process of physically locating works on the shelves may seem tedious, but realize that even that situation is a best case scenario - in many cases, the necessary work will be found only at another university, requiring that you fill out interlibrary loan forms and then wait two days to two weeks for the resource. Likewise, a computerized file can never be "checked out" or "on hold." If the database has the file, you will be able to access it shortly, barring any breakdown of technology.

Concerns

Despite the seemingly overwhelming nature of the evidence for allowing the use of these new information gathering technologies in forensics, there are several drawbacks as well. I shall address each of the previously presented areas of advantage as well as adding a few additional concerns.

First, the issue of **access** on the internet is not universal by any stretch of the imagination. While many schools are capable of using the internet, many institutions have still not gained access to computers, much less become linked to the world wide web. Further, in several cases, even those institutions that do provide internet access are unable to do so without charging the students for their usage. In some cases, sending and receiving e-mail can actually cost more than regular "snail mail" postage. For teams which are already fighting to make every budget dollar stretch further, the added cost of internet usage just to keep up with larger institutions may be too much to bear. The worst thing that could happen would be a continuation of any perceived gap between the haves and the have-nots. Thus, while the internet may create access for many institutions which previously had to compete while using substandard resources, not all institutions have managed to make this step and are being left further and further behind. Eventually, these programs may simply give in to the learned helplessness felt by so many competitors. One of my high school students once told me about a round in which he and his partner unpacked their single Ox-Box of evidence while watching the opponents unstack and arrange their eight tubs of evidence. He stated that he felt like he had "brought a knife to a gunfight." While there is no reason that more evidence equates with more wins, perception is a powerful thing. It can hinder a student just as much as it can help them. Thus, the question of access must be addressed.

The **expedience** of using the internet for information gathering is almost unassailable. That is, it is difficult to argue that more recent evidence would somehow hurt competition. Jensen (1995) points out that a possible argument against up-to-the-minute research is that it decreases the level of **analysis** in debate rounds. Rather than arguing the reasoning behind (or within) evidence, the rounds are often reduced to quibbles over publication dates. It is important to realize that this criticism is limited to the realm of debate. It is even more difficult to attack the freedom students have to access information on their terms and on their schedule.

Similarly, the **computerized** nature of the research can only be attacked at the level. Since a student can quite simply crank out more information per research hour when using the internet than his/her paper-using counterpart, that team would be able to bring more information to bear in a round. Again, it can be argued that this decreases the educational value of debate, largely because of a decrease in **analysis**. Rather than analyzing specific pieces of information, the debaters become machine-gunners, firing out pounds and pounds of information. Again, as valid as these arguments may be, they are limited to debate. In all other forms of speech that rely on research of any kind, internet usage is fairly unassailable. The only disadvantage that can be associated with expediency and computerization is a decrease in the level of analysis.

In addition to the issues described as advantages, there is one key problem with reliance on the internet for information: **qualification**. Many commercial evidence sources on the net can be seen as reliable resources, in fact, nearly every major news publication has an accompanying web page (referred to as a "net presence"). In addition to these sources, information can also be found in archives that are simply computer files of articles and works that are currently in print. That is, in these cases, it is possible to verify the source citation in forensics. A judge, coach or tournament director could find the original of the article, poem, story, etc.

But the vast majority of the communication which occurs on the net is unofficial. While debaters and speakers are taught that almost anything can be found in print if you spend enough time on the research. This maxim has taken on a sinister tone in the information age. Because there are few regulations placed on the information on the internet, the authors of information found in cyberspace are rarely held accountable for presenting false information as truth. While it could be argued that many paper publications are also able to spout invectives with impunity, the world wide web provides a home for ideological discussions which are easily more rabid than anything on the newsstands. Further, not only are these sources unqualified, they are constantly changing. A cite which presented one point of view one day may present its opposite the next (if the cite even continues to operate!). This does not necessarily present a problem for oral interpretation events (especially in collegiate competition, where there are no publication restrictions other than format) but the harm to the exchange of ideas in debate or speech is tremendous whenever the ideas being exchanged are false or misrepresented.

Clearly, these issues of access, analysis and qualification must be addressed in order to justify the continued use of electronic research.

Implications

Unfortunately for those who would like to limit the use of the internet as much as possible, it is highly unlikely that any real alteration in procedures could ever be affected. Since internet research is commonly cited just as regular research would be, with the possible exception of the omission of the page number, most pieces of evidence sound the same unless someone actually challenges the speaker. In short, since it would be impossible to end the use of internet citation in speech and debate, it is important that we attempt to mitigate the harms it may cause by exercising our power as judges and coaches.

As coaches, we must realize that the initial investment necessary to gain **access** to the internet is quite small in relation to the benefits reaped by our competitors. Not only will they gain access to information that our institutions might not have on hand, they will be able to narrow the gap between themselves and those institutions with more complete libraries. In short, we must take the bureaucratic steps necessary to either get our students on-line or convince the institutions administration that all students should have access.

In terms of **analysis**, we hold the power as judges to reward those speakers who go beyond the evidence and analyze the works they present. Although it seems easy to blame the debaters and speakers for leaving us riddles with tiny bullets of unanalyzed information, history makes it quite clear that we are dodging the responsibility for this trend. The internet was not widely used when Mark Price set the gold standard in extemporaneous speaking at the American Forensic Association final round. In a seven minute speech, he used fifteen sources and won. This is not to say that he failed to analyze his evidence - I am simply illustrating that high citation count in speech and debate was already old when the internet was young. Debaters have always looked in awe on large carts of Rubbermaid filled with dead trees and judges have voted for evidence over analysis. In short, if we feel, as judges, that the analysis is disappearing to be replaced by unlinked chains of information, we have the ability and the responsibility to prevent that style from doing well.

Finally, we have to act in both capacities to combat the biggest problem I have presented about using the internet - **qualification**. As coaches, we must instruct our students to use reliable source citation in their speeches and debates. An intelligent step has always been to carry full text and qualification statements with you. Gurn (1995) also presents a list of sources to consider reliable/unreliable. It is important to point out that this does not constitute a comprehensive statement of law; Gurn

simply creates some guidelines. For example, government documents and electronic reprints of paper works are generally accepted completely. Further down the spectrum, electronic magazines and newsletters or press releases do not necessarily carry the same authority. E-mail falls next, unless the source of the report can be verified. In this case, the evidence should probably carry the same weight as personal or telephone interview. Finally, Gurn indicates that using information found on newsgroups is almost entirely taboo, since anyone has access and almost every newsgroup allows anonymous (unaccountable) posting. In other words, they constitute the same authority as the opinions page in a newspaper. Conversely, we must teach our debaters to challenge evidence that contains no merit. As judges, we must be willing to listen to arguments about the quality of the evidence. In fact, by allowing such discussions to occur, we will help to return the focus of the debate to analysis.

Hopefully, the use of internet research will not outpace regulation so completely that it results in negative impacts on forensics. But we must also be willing to let this event open itself up to the possibilities being presented to us in the information age. As long as we remember that the intent should always be to enhance the educational value of forensics, we must coach and judge accordingly.

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